

REMARKS

Favorable consideration of the patentability of the subject application is solicited. All of the originally filed claims have been cancelled and new claims inserted in their place to insure that the claims of this application differ substantially from the claims of the parent application. No prohibited new matter has been introduced in these new claims. It is therefore urged that these new claims be entered and a substantive action issue in a short time.

The change of the originally filed claims to the instant new claims does not raise any prosecution history estoppel as these claim changes are not addressed to differentiating the instant claimed invention from the state of the art. These new claims stand on their own and are not to be considered as varying the scope or content of the claims of the parent that has now issued.

The following comments apply to the consideration of the patentability of the instant claims as compared to the claims that were issued in the parent patent.

Claim 58 is different from the device claims of the previous applications because it is not worded in "means plus function" language. Further, while this claim explicitly recites the presence of at least two configurations of pixels, as does claim 69 of the previous application, this claim differs from claim 69 of the prior application at least because it does not recite any "means for processing the electrical signal"

Claim 82 is different from the device claims of the previous applications at least because it does not recite any "means for processing the electrical signal".

Claim 86 is different from the method claims of the previous applications because it explicitly recites the acquisition of the signals by at least two configurations. Further, differently from the method claims of the previous applications, this claim recites neither a step of processing an electrical signal nor a step of attempting a reading of the optical code data and verifying whether this reading has been successful.

Claim 91 is different from the device claims of the previous applications because it is not worded with the "means plus function" language. Further, differently from the device claims of the previous applications, this claim recites the feature of

acquiring the signals according to at least a second configuration of pixels when the reading attempt has been unsuccessful.

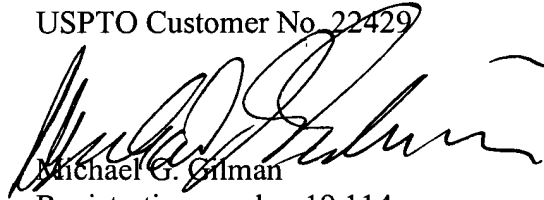
Claim 100 is different from the device claims of the previous applications because the claims of the previous applications do not comprise claims worded with the “means plus function” structure which additionally recite the feature of acquiring the signals according to at least a second configuration of pixels when the reading attempt has been unsuccessful.

Claim 102 is different from the method claims of the previous applications because, differently from the method claims of the previous applications, this claim recites that in at least one of the two pixel configurations the pixels have a rectangular shape and a dimension of these pixels of rectangular shape is different from the corresponding dimension of these pixels in the other configuration.

It is urged that all of these claims be allowed.

Respectfully submitted,

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